



## **EC action plan for racial equality and justice**

### *Policy briefing*

*July 2020*

We welcome the European Commission's intention to launch an action plan for racial equality and believe it could contribute to achieve equality and justice outcomes for racialised groups in Europe<sup>1</sup>. However, this will only be feasible and effective if the following approaches are included in the action plan:

#### **The European Commission plan should:**

1. Be based on a comprehensive understanding of structural racism and discrimination (including by addressing racist, discriminatory and disproportionate policing and law enforcement, as well as police violence)
2. Improve existing EU initiatives' potential to tackle structural dimensions of racism<sup>2</sup>
3. Mainstream racial equality in all EU policies
4. Be the vehicle to encourage Member States to address structural racism at national level in a comprehensive manner
5. Be a meaningful EU tool against racism with adequate resources

To achieve this, **different content and process elements** need to be included:

### **I. CONTENT OF THE PLAN**

#### **1. Key aspects of structural racism need to be acknowledged and mentioned explicitly**

This includes:

- Acknowledging structural and institutional dimensions of racism, i.e. racism perpetuated by Member States and structures in place (education, law enforcement, migration control, economic policy, etc.)
- Acknowledging the legacy of colonialism and slavery in Europe's policies, practices and structures and the need for reparations.

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<sup>1</sup> In Europe, racialised people include Black person, people of African, Arab, Asian, Caribbean, Latin American, Roma or Sinti descent, Muslims or Jews (or perceived as such), including migrants among them

<sup>2</sup> This staff working document from the European Commission could be a good basis to move forward: Countering racism and xenophobia in the EU

[https://ec.europa.eu/info/sites/info/files/swd\\_countering\\_racism\\_and\\_xenophobia\\_in\\_the\\_eu.pdf](https://ec.europa.eu/info/sites/info/files/swd_countering_racism_and_xenophobia_in_the_eu.pdf)

- Addressing persisting structural inequalities in key areas such as education, housing, employment, healthcare, goods and services, etc., leading for example to over-representation of racialised groups in precarious housing and work, prisons, etc.<sup>3</sup>
- Addressing police brutality and criminalisation of racialised groups as a key factor maintaining and fostering racial inequalities in Europe.
- Shifting from the individual and fragmented approach to racism by addressing all racialised groups and forms of racism<sup>4</sup> under one strategy.
- Acknowledging that race is still socially constructing certain groups in Europe.
- Addressing intersections of inequalities for young racialised people, women, LGBTQ+ people, people with disabilities.

## 2. Overarching measures need to be included in the action plan to address structural racism

### On data collection and existing legislation

- Build on the European Commission's equality data guidelines to **push Member States to collect equality data** disaggregated by race (including ethnicity and religion), which is crucial to uncover existing structural inequalities.
- Prioritise launching **infringement proceedings against Member States** that breach EU laws prohibiting racial discrimination and racist crime. This needs to be urgently done in the case of Muslim women's access to vocational training and employment, segregation of Roma and inhumane treatment of migrants.

### On policing<sup>5</sup>

- Develop a **regular stand-alone EU review mechanism on the rule of law**, including policing and law enforcement that applies to all Member States. EU initiatives on democracy, fundamental rights and the rule of law should systematically include measures to assess the progress of Member States on addressing institutional and structural racism.
- Adopt an **explicit application of the Race Equality Directive to policing**.
- Adopt **minimum standards for the creation of independent police complaints/conduct bodies** at Member State level to carry out inspections, write reports and make recommendations that will serve as a basis for advocating for change in practice for police and law enforcement agencies at a national level.
- **Monitor and collect equality data in the field of policing**. The EU Fundamental Rights Agency's data collection should focus on police violence, deaths in custody and racial profiling.

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<sup>3</sup> For example, the fact that women of colour (and migrant women in particular) are likely to be overrepresented in precarious, low-paid employment in sectors that present a higher risk of exploitation and abuse. See ENAR's toolkit on Women of colour at work [https://www.enar-eu.org/IMG/pdf/20112\\_equal\\_work\\_2018\\_lr.pdf](https://www.enar-eu.org/IMG/pdf/20112_equal_work_2018_lr.pdf)

<sup>4</sup> Afrophobia, Islamophobia, Antisemitism, Antigypsyism, Anti-Asian racism, Anti-migrant racism, etc.

<sup>5</sup> See ENAR's briefing on policing racialised groups in Europe <https://www.enar-eu.org/Briefing-on-policing-racialised-groups-in-Europe>

#### **On National Action Plans against Racism**

- Carry out a thorough **review** of National Action Plans against Racism. The EU Fundamental Rights Agency's analysis needs to be reviewed to take into account key indicators such as the level of implementation and the scope of the plans.
- Adopt an **EU framework for National Action Plans against Racism** to ensure Member States have dedicated comprehensive strategies against racism with effective measures in place and adequate resources.
- Establish **impact assessment and accountability mechanisms** as well as monitoring of national and local actions, so that implementation is secured and results achieved.

#### **On funding**

- Secure funding for this plan and for civil society organisations fighting against structural racism and for equality **under the Multi-Annual Financial Framework and as part of Recovery Plans**, to ensure investment in improving living conditions of racialised groups and lifting persisting structural barriers to equality.
- Include **ex-ante conditionalities** to EU funding for Member States, to ensure they take measures to prevent disproportionate impact on racialised minorities (AGRI, REGIO, FEDER, ENSI, etc.), by conducting a race equality assessment.
- Develop **an accessible fund for grassroots anti-racist civil society organisations**. Current conditions to apply for funding don't allow these organisations to get support from the EU, considering their increasing difficulties to carry out their activities.

### **3. Racial equality mainstreaming in all policies**

The action plan should ensure that EU policies benefit all, including racialised groups, and that they do not have a detrimental impact and contribute to further racial inequalities. Existing EU policies should undergo an **equality impact assessment**, taking into account racial inequalities.

There needs to be a focus **on addressing root causes of structural discrimination and lifting existing structural barriers**:

- a. Criminalisation of racialised groups by law enforcement services in policies on migration, counter-terrorism, digital services, etc. Policies must be reviewed, discriminatory practices disproportionately targeting racialised groups should be prohibited, and no funding should be allocated to them (e.g. racial profiling, repressive border management, impermissible and discriminatory use of AI, etc.)
- b. Policies and practices contributing to racial inequalities because they don't take into account the specific situation of racialised groups and/or are informed by prejudices (e.g. work life balance measures increasing the burden and the precarity of women of colour)

**On the new Pact on Migration.** Existing foundations and practices of current EU migration policy are historically based on racial discrimination. This needs to be acknowledged and addressed, such as the notion of who belongs to Europe and the criminalisation of moving, disproportionality impacting racialised groups. **Key steps include:**

- **Include nationality as a ground of discrimination** in EU anti-discrimination legislation, as it is done already in national law in some countries.
- **Reduce funding for police and law enforcement.** The EU must ensure that any policy and funding does not legitimise or reinforce human rights abuses in law enforcement and border management, such as practices that result in the torture and unlawful returns of migrants and other racialised groups.
- **Include specific measures** to tackle racism towards migrants in the action plan to support victims of racism and facilitate their access to justice through the establishment of firewalls.

**On Europe's digital future.** Technology is not neutral and certain applications, in particular in the fields of migration, policing, security and recruitment are disproportionately impacting, targeting and experimenting on [racialised communities](#). Many technological applications exacerbate and compound existing forms of discrimination against racialised groups, often without regulation, transparency, democratic oversight or concrete mechanisms for redress. **Key steps include:**

- Strengthen the **focus on racial equality and justice** while regulating Artificial Intelligence
- Ensure a **meaningful oversight**, particularly engaging marginalised groups in governance processes
- Establish clear legal limits, [prohibiting "impermissible uses" of AI](#), particularly those which will further discrimination and inequality against racialised groups.

**On the gender equality strategy.** Highlighting intersectionality in the new strategy as a core principle is a good start. To ensure a real intersectional approach at all levels and that it leads to equality outcomes, the strategy should foresee [proactive and targeted measures](#) to ensure that racialised women's specific situations are taken into account, including by assessing and reviewing existing policies.

**On the European Green Deal.** Racialised communities in the Global South as well as in European societies are bearing the brunt of the climate crisis and other environmental problems while receiving the least amount of support. Policies at EU level need to address these disproportionate impacts which include health issues, poor living conditions but also additional economic burden. Racial equality and justice need to be an integral part of these policies so that they do not exacerbate racial inequalities.

**On the Directive on combating terrorism.** As [existing data shows](#), counter-terrorism and counter-radicalisation policies tend to disproportionately criminalise Muslims and migrants, especially through the increase of preventive measures under criminal law. Whereas these kinds of policies are often hastily designed, vague and driven by collective emotions, they can easily be interpreted and implemented based on prejudices and racial biases. There needs to be a strong fundamental rights assessment as well as prohibitions of certain practices that are targeting racialised groups, such as racial profiling.

## II. PROCESS

The processes related to this plan are as important as its content as they will allow for its legitimacy, ownership and most importantly, its efficiency in countering structural racism. There should be a strong focus on ensuring that racialised groups with key expertise from civil society organisations but also in institutions, are consulted and engaged in a meaningful and timely manner on the design and implementation of the plan. Several steps could be taken:

- Set up a permanent **European Commission advisory committee on racial equality** and justice involving NGOs, Member States and social partners to prepare and implement policies (racial equality mainstreaming)<sup>6</sup>
- **Restructure the European Commission's services** by re-grouping all officers, coordinators and teams working on different forms of racism in one unit with more resources allocated and a strengthened mandate of the Commissioner for Equality to oversee this work.
- Organise an **EU Summit** on structural racism, with a focus on policing. A high-level event should be organised to mark new political commitments on structural racism in all its forms.
- Widen the scope of the **High-Level Groups on combating racism and on non-discrimination** to include structural and institutional racial discrimination as a priority (similar to the gender equality mainstreaming High Level Group)<sup>7</sup>
- Update the **European Commission's internal diversity strategy** and implement [ENAR's roadmap to racial diversity in the EU institutions](#) to ensure participation and representation of racialised groups.

More information on our [Roadmap for EU institutions to tackle structural racism](#).

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<sup>6</sup> Similar to the advisory committee for gender equality

<https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1238&NewSearch=1&NewSearch=1>

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<https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1240&NewSearch=1&NewSearch=1>